

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/CS/SB 500

SPONSOR: Transportation Committee, Education Committee and Senator Campbell

SUBJECT: School Zone/Parked/Stopped Vehicle

DATE: March 17, 2004      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dormady</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/CS/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

The CS prohibits stopping a vehicle in a school safety zone during school hours, except in designated loading or unloading areas. The CS does not prohibit parking in a school safety zone.

This CS amends section 316.1945 of the Florida Statutes.

The CS will take effect July 1, 2004.

**II. Present Situation:**

Safety Issue/Overview. Currently, all schools are required to have two loading/unloading areas for students, one for school buses and one for cars. The size and design of these areas may vary slightly by school. Commonly, however, even at the vast majority of schools that have easily accessible and well-designed car drop-off areas, long lines of cars form in these areas during the peak drop-off and pick-up times for children before and after school. To save time, many parents drop their children off at non-designated areas on or adjacent to school campuses, a practice that sometimes causes hazards to other traffic and to students. For example, according to information from one local traffic officer, passing traffic sometimes brushes against doors opened abruptly into the street, and children are sometimes put in danger by their parents' choice of location to drop them off or pick them up. For schools on major thoroughfares, cars stopping in the street to drop off students may pose a serious traffic problem; however, back-ups of cars waiting to get into a school's car drop-off area pose a traffic problem as well. For students, though, it is generally safest to be dropped off in the school's designated loading/unloading zone rather than on a city street.

### Applicability of Existing State Traffic Laws.

Chapter 316, F.S., comprises the State Uniform Traffic Control Law, a set of uniform traffic laws applicable throughout the state. Section 316.1945, F.S., the section being amended by the CS, is contained within Chapter 316. Depending on the specific circumstances under which a student is dropped off, certain existing sections of Chapter 316, F.S., may already be applicable to prohibit loading or unloading students under dangerous conditions around schools.

For example, s. 316.2005, F.S., regulates the circumstances under which vehicle doors may be opened and closed. That section provides:

No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

This section of law, if enforced, would be applicable in situations in which a parent dropped a student off on a busy street, perhaps opening the car door into traffic. Additionally, s. 316.194, F.S., provides no person may “stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or so leave the vehicle off such part of the highway.” Because it will almost always be “practicable” to stop a vehicle in a school’s designated loading/unloading zone instead of on the street, this section is readily applicable to the problems addressed by the CS; however, because it is only applicable on highways outside of municipalities, it is of limited use, as many schools are located within a municipality’s geographic limits. As noted above, the applicability of these two sections of law would depend on the particular circumstances under which a student is being dropped off; they would not have the broad applicability of the language proposed in the CS.

Another potentially applicable law, in s. 316.2956(1)(a)10, F.S., provides no person may stop, stand or park a vehicle “[a]t any place where official traffic control devices prohibit stopping.”<sup>1</sup> In the event unsafe driving practices are a problem locally, municipalities may establish the necessary devices to control these practices. Because counties and municipalities have the authority (as further described below) under s. 316.008, F.S., to establish their own local traffic ordinances and means of traffic control, in the event that unsafe school unloading practices are a problem locally, ordinances may be adopted pursuant to local needs.

### Relevant Definitions in State Law.

Section 316.003, F.S., contains several definitions applicable to all of Chapter 316, F.S., two of which are useful in interpreting the language of the CS. Section 316.003(52) defines “stop or stopping” as “any halting, even momentarily, of a vehicle, whether occupied or not, except when

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<sup>1</sup> Under s. 316.003, F.S., “official traffic control devices” are defined to include all signs, signals, markings and devices placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

necessary to avoid conflict with other traffic or to comply with the directions of a law enforcement officer or traffic control sign or signal.” Section 316.003(27), F.S., defines “park or parking” as “[t]he standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law under this chapter.”

#### Applicability of County and Municipal Traffic Ordinances.

In addition to the state traffic laws, traffic controls are also adopted locally to meet each county and municipality’s needs. In fact, the state uniform traffic law explicitly acknowledges the need for regulation of traffic in accordance with local needs. Section 316.008, F.S., provides the provisions of Chapter 316, F.S., “shall not be deemed to prevent local authorities,<sup>2</sup> with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from: (a) Regulating or prohibiting stopping, standing or parking...” Accordingly, counties or municipalities may regulate stopping or standing on busy streets as needed to control any traffic or safety problems that arise in connection with students being dropped off or picked up at schools. While no data is available to determine how many counties and municipalities do not have ordinances applicable to the problem addressed in CS, it is known some do not.

#### Applicable State Regulation – Facilities Requirements.

Under applicable state rules and regulations, all schools should have a designated loading/unloading area for cars separate from the area for school buses. Pursuant to State Board of Education (SBE) Administrative Rules, every district school-board owned facility, whether new construction or existing buildings being remodeled or renovated, must have passenger drop-off/loading zones as close to accessible entrance(s) as possible, cannot have driveways that completely encircle a school plant, and must have separate areas for bus driveways and parent pick-up areas.<sup>3</sup>

Existing facilities not subject to renovation must meet requirements regarding student loading and unloading as well. SBE rules require educational sites to meet certain minimum safety and casualty requirements, including having passenger drop-off/loading zones as close to accessible entrances(s) as possible; having on-site driveways that do not completely encircle the school plant; preventing vehicular and pedestrian traffic from crossing each other on the site (unless appropriate safety devices are provided); and having bus driveways and parent pick-up areas that are separated (unless safety devices are provided). SBE rules also require each school board to conduct at least one casualty safety inspection of each building in its jurisdiction each fiscal year to ensure compliance with safety requirements.<sup>4</sup>

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<sup>2</sup> S. 316.008(20), F.S., defines “local authorities” to include “all officers and public officials of the several counties and municipalities of [the] state.”

<sup>3</sup> Available at <http://www.firn.edu/doe/rules/53.htm>.

<sup>4</sup> Chapter 5, Section 5, “State Requirements for Educational Facilities 1999,” available at <http://www.firn.edu/doe/rules/55.htm>.

### III. Effect of Proposed Changes:

Currently, no state law specifically prohibits parents from dropping off or picking up students on a school's campus at areas outside the school's designated loading/unloading area for cars. The CS would make it unlawful to stop a vehicle to load or unload any passenger in a school safety zone during school hours, except in a designated loading or unloading area. In accordance with s. 316.1945(4), F.S., a violation of the provision would be a noncriminal traffic infraction punishable as a nonmoving violation. Pursuant to ss. 318.14 and 318.18, F.S., the penalty for violation of the prohibition would generally be a fine of \$30 under state law, absent any other citations.

The CS specifically provides it does not prohibit parking in a school safety zone. This language emphasizes that parents will not be prohibited by the CS' provisions from parking their cars in appropriate parking spots around the school and walking into the school for any reason.

The term "school safety zone" is defined in the CS and is consistent with definitions of "school safety zones" found elsewhere in current law. Under the CS, "school safety zone" means anywhere in, on, or within 500 feet of any real property owned by or leased to any school district or public or private elementary school and used for elementary school education. The CS also contains a definition of "school hours" that is fairly expansive and will include any time school-sanctioned activities are occurring at the school. It defines "school hours" as all times during which the school is open and is staffed by instructional personnel, administrative personnel, or educational support employees. These personnel terms are defined elsewhere in current law and will include all teachers, administrators, and support staff.

#### Compliance Issues for Schools and Traffic Police.

The requirements of the CS may be difficult for some public and private schools to implement, particularly larger schools or schools with a high volume of parent traffic. Private schools, which are not subject to the SBE rules described above, may not have specifically designated car loading/unloading areas. Additionally, for schools that do have such designated loading/unloading areas, the CS' requirements would necessarily increase the volume of cars moving through those areas, slowing traffic even more. Slowdowns or back-ups of traffic on the road(s) turning into the schools are likely to be an additional effect of the increased traffic in the drop-off areas. Aside from these issues, not every area of school campuses is supervised. Accordingly, enforcement of the CS' requirements may be difficult without a greater presence of traffic police at schools, particularly during peak loading/unloading times immediately before and after school. The use of police officers to enforce the CS' requirements could, in turn, strain police resources. Finally, implementation of the CS will require attention to avoiding interference with school buses in their loading/unloading duties, in light of the fact the CS' requirements will result in an increased flow of traffic onto school campuses.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

Unknown.

## C. Government Sector Impact:

Unknown, although costs attendant to enforcement will likely be incurred. Costs will vary by school, as well-designed schools with low traffic volume will more easily implement the CS' requirements than older schools or schools with high traffic volumes.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.